

After reviewing the record compiled to date, the Board finds:

1. This appeal should be dismissed.
2. The administrative law judges have the authority to request and order medical examinations that assist them in deciding a claim for benefits.
3. An order for paternity testing is an interlocutory order as it is neither a preliminary hearing award of benefits nor a final award.
4. The Appeals Board's jurisdiction to review appeals is governed by K.S.A. 1998 Supp. 44-534a and K.S.A. 1998 Supp. 44-551. Those statutes grant the Appeals Board the jurisdiction to review (1) certain preliminary hearing findings and (2) final orders and awards. Neither statute grants the Board the authority to review the interlocutory order now in issue.
5. Counsel for Kathrina Durham argues that paternity testing should not be ordered because the issue of whether Kathrina is Mr. Brewer's daughter was resolved in a default judgment in a district court proceeding. The Board believes that argument is premature. Although counsel may be correct, the Appeals Board does not reach that issue. The issue before the Board at this time is not whether the Division is bound by a district court judgment but whether a judge's order for medical tests is an interlocutory order.

**AWARD**

**WHEREFORE**, the Appeals Board dismisses this appeal leaving the December 28, 1998 Order entered by Administrative Law Judge Nelsonna Potts Barnes in full force and effect.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of April 1999.

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BOARD MEMBER

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BOARD MEMBER

c: Joseph Seiwert, Wichita, KS  
David H. Farris, Wichita, KS  
Marvin R. Appling, Wichita, KS  
Jeffery R. Brewer, Wichita, KS  
Nelsonna Potts Barnes, Administrative Law Judge  
Philip S. Harness, Director